



Michigan Higher Education Opposition to House Joint Resolution P October 2017

House Joint Resolution P (HJR P) proposes a ballot measure that, if approved, would allow the State to dictate campus free speech policy; policies that already adhere to federal First Amendment and state free speech protections.

Fundamental to the mission of all higher education institutions is a commitment to open discussion and the free exchange of ideas. Each year, thousands of guest speaking engagements and demonstrations collectively take place at Michigan's colleges and universities, virtually all without incident. This commitment is complemented by an obligation to enable access to safe and secure venues for speech, teaching, learning, research, employment, and service at the state's public postsecondary institutions. All of Michigan's public higher education institutions—in policy and in practice—allow for, and protect the rights of free speech without regard to viewpoint.

Michigan's public higher education institutions—like all public bodies in Michigan—use the reasonable “time, place, and manner” discretion afforded by the both the Federal and Michigan Constitutions to maintain reasonable order on their properties, services, events, and programs, while simultaneously fostering robust dialogue and promoting civic engagement. Much like there are parameters regarding speech and expression at the State Capitol building, similar considerations of time, place, and manner are utilized on college campuses to protect the interests of those seeking the opportunity to learn and to conduct their work.

Michigan's Constitutional free speech protections closely align with federal First Amendment rights; all of which the state's public postsecondary institutions adhere to. If any individual or entity perceives that these protections have been infringed upon, they can turn to the courts for clarity on the issue. The courts have been and should continue to serve as the arbiter of any perceived grievances or perceived misalignment between institutional policy and federal and free speech protections.

In sum, this House Joint Resolution represents an attempt to fix something that is not broken. It represents a solution in search of a problem.